

<b>Board Meeting Paper</b>	
<b>Mar 17 BM D 02.2</b>	
<b>Purpose of report</b>	<input checked="" type="checkbox"/> Decision <sup>1</sup> <input type="checkbox"/> Discussion / debate <input type="checkbox"/> Information only <sup>2</sup>
<b>Sensitive Information?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>If sensitive, protective marking<sup>3</sup></b>	
<b>Date of Meeting</b>	16 March 2017
<b>Agenda Item</b>	D 2.2
<b>Report Title</b>	Rail Passengers redress Scheme
<b>Sponsor</b>	Anthony Smith
<b>Author(s)</b>	Jon Carter



## 1. Summary

Ongoing discussions with DfT, Rail Delivery Group and London TravelWatch with a view to establishing a binding dispute resolution service for those rail passengers whose complaints have become deadlocked after mediation has been tried, but has proved unsuccessful are progressing well. An initiative of the Rail Minister, Paul Maynard, it is one we wholly support, subject to the satisfactory mitigation of certain key risks, as currently passengers have nowhere to go after deadlock has been reached (apart from the Courts) and the rail industry has committed to fully funding the scheme as well as its set-up and mobilisation costs.

## 2. Recommendations / decision required

The board has already given its support to Transport Focus participating in this scheme, and is now being asked to formally **note** further progress made on the basis of the information provided. The board will be consulted and, where required, asked for its further approval, as further information becomes available.

## 3. Further details

### Likely structure – short-term

The partner organisations are trying to balance the ambition for the scheme to have ‘intellectual but not structural identity’ with credibility, seamlessness, transparency and independence. Together with RDG and LTW, we therefore propose to incorporate a company limited by guarantee, with the three organisations as joint members. Both Transport Focus and London TravelWatch, and RDG, will nominate a board member. The Chair is likely to be an interim appointment, with two independent members will be appointed through a competitive exercise. The Company will own the Scheme Rules, appoint any outsourced provider and report to its constituent members. A draft member’s agreement is being developed along with Memorandum and Articles of Association and these will all be available soon. The company will itself have no role in individual case adjudication. **Note:** the scheme rules are currently subject to discussion among the parties and have not been made public. These will be provided to the board for discussion and agreement over the course of the next week.

<sup>1</sup> If a decision is required, or you are asking for the paper to be formally noted, please set this out in section 2

<sup>2</sup> If for information only, please make clear in section 1 **why** this information is being provided

<sup>3</sup> ie **OFFICIAL/SENSITIVE:** plus COMMERCIAL / POLICY / MANAGEMENT-STAFF / PERSONAL PROTECT

The scheme will:

- Build on the existing complaints handling and dispute resolution process operated by the train companies and Transport Focus respectively
- Be relatively quick to set up and flexible to operate, without the need to establish another organisation
- Provide a valuable third stage for eligible passengers who have been unable to satisfactorily resolve their rail complaint under the present two-stage process
- Be seamless to access and free to use for passengers
- Require no extra work for passengers, who will need only to confirm that, if their complaint qualifies, they would like their deadlocked case to be put forward for adjudication under the scheme

Along with additional staff at both Transport Focus and London TravelWatch, who will be seconded to the scheme – see the proposed structure chart attached - an independent third party scheme provider will **initially** be appointed following a competitive process. The provider will appoint, train and maintain a panel of legally qualified adjudicators who will make directions under the scheme rules. A simple electronic interface between Transport Focus and London TravelWatch and the scheme provider will be used to begin with. It is anticipated that a separate advisory agreement will be concluded with the chosen scheme provider as we learn lessons for the longer term. What we hope to achieve through this structure is a seamless journey for passengers through an integrated process, which appears to have all the benefits of an Ombudsman scheme

**Longer term:** The operation of the scheme will be thoroughly reviewed after one year.

**Governance:** Effective governance with clear input from the board will be essential for this project, as previously discussed.

Board members are invited to review the recent [London TravelWatch paper](#) to the London Assembly Transport Committee which provides an excellent overview of the proposed scheme

#### **4. Implications – Financial, Risk, Legal, Staffing**

**Resourcing:** Transport Focus and London TravelWatch are in the process of agreeing start-up and mobilisation phase funding with RDG.

**Surge:** A key issue for both Transport Focus is a potential surge in appeal complaints when the scheme is launched. We feel there is the potential for our caseload to increase significantly. We will ensure that an understanding is reached with DfT to make additional provision in these circumstances.

**Due diligence:** Additional work has been undertaken or is ongoing as previously advised.

**Reputational risk:** This remains, as always, a key risk. Getting it wrong is not an option. **The upside risk** remains that this scheme is the facilitator of a much better deal for passengers and the initiative is one with which we should be actively cooperating.

## 6. Equalities screen

Sometimes, an equalities impact assessment (EIA) is required for a given report, proposal or project. To help decide whether an EIA is required, a screen must be undertaken based on the information provided above. The screen seeks answers to four questions which are used to determine impact on the protected characteristics – major, minor or none (default). Please choose the correct impact value and, if **major**, link it to an explanation below.

Gender	Age	Sexual orient'n	Disability	Marital status	Political belief	Religious belief	Racial group
1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?							
None	Major	None	Major	None	None	None	None
2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?							
None	Yes	Yes	None	None	None	None	None
3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?							
					None	None	None
4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?							
					None	None	None

### Summary of **major** impacts

1	<b>Age:</b> the Scheme must take account of elderly citizens equal right of redress through the accessibility processes it establishes
2	<b>Disability:</b> the Scheme must take account of disabled persons equal right of redress through the accessibility processes it establishes

### Conclusion (the board's consideration of this paper may result in a change of conclusion)

<b>Based on the information above, and having regard to the guidance below, the sponsor and author of this paper agree that (✓)</b>	
(a) A full equalities impact assessment is <b>not</b> required	
(b) A full equalities impact assessment is <b>not</b> required at this time but the impact values above suggest the matter should be kept under view during the lifetime of the project	
(c) A full equalities impact assessment is required and should be completed during the lifetime of the project	✓
(d) A full equalities impact assessment is required and should be completed immediately	
<b>Please provide a brief explanation of why you have arrived at this conclusion</b>	
The proposal, or certain proposals within it, may be potentially unlawfully discriminatory, but this possibility can be eliminated by adopting appropriate mitigating measures;	